

Application No.: 10/695,713
Response dated Oct. 30, 2006
Reply to Office Action of Aug. 16, 2006

REMARKS

Claims 1-33 are now pending. The Examiner has rejected claims 1-33.

Claim Rejections under 35 U.S.C. § 102

Claims 1-18 and 27-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Walker et al. (U.S. Pat. No. 6,546,492).

With regard to the anticipation rejections, MPEP 2131 states that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states that “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding independent claim 1 and its dependent claims (i.e., claims 2-18), claim 1 recites: “[a] system that supports secure communication of data between an electronic device and a network, the system comprising: an electronic device comprising: a first component that manages information in the electronic device; and a second component that provides access to proprietary information in the electronic device; and at least one server that manages the information communicated to the electronic device via the network, a first portion of information and a second portion of information being used to securely communicate data to the electronic device, the first portion of information and the second portion of information being managed by the at least one server and the first component to provide secure communication between the electronic device and the network.”

It is respectfully submitted that the referenced art, Walker, fails to disclose the claimed invention of claim 1. More specifically, Walker fails to at least disclose “a second component that provides access to proprietary information in the electronic device.” Instead Walker describes a method of authentication between a remote unit and a server, but does not discuss providing access to proprietary information in remote unit. Additionally, the Examiner points at a portion of the text in Walker as equivalent to the elements of the claim, without pointing out,

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for example, which portion of the system described in Walker is equivalent to the first component or the second component, for example.

Regarding independent claim 27 and its dependent claims (i.e., claims 28-33), claim 27 recites: “[an] electronic device comprising: an integrated circuit card, wherein the electronic device performs secure firmware updates utilizing the integrated circuit card; a first key, wherein the integrated circuit card provides the first key; and wherein the electronic device employs the first key to authenticate information for updating firmware received from an external system.”

It is respectfully submitted that the referenced art, Walker, fails to disclose the claimed invention of claim 27. More specifically, Walker to teach, suggest or disclose, among other things, a first key provided by the integrated circuit card. Instead, Walker discusses a PC card, which the Examiner equates to the integrated circuit card of claim 27. The PC card in Walker does not provide a key, but instead, obtains an encrypted image key from a server.

Claim Rejections under 35 U.S.C. § 103

Claims 19-26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Veil (U.S. Pat. No. 6,138,239).

With regard to an obviousness rejection, MPEP 2142 states that in order for a *prima facie* case of obviousness to be established, three basic criteria must be met, one of which is that the reference or combination of references must teach or suggest all the claim limitations. Further, MPEP 2143.01 states that “the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination”, and that “although a prior art device ‘may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so’” (citing *In re Mills*, 916 F. 2d 680, 16 USPQ 2d 1430 (Fed Cir. 1990)). Moreover, MPEP 2143.01 also states that the level of ordinary skill in the art cannot be relied upon to provide the suggestion ...” citing *Al-Site Corp. v. VSI Int'l Inc.*, 174 F. 3d 1308, 50 USPQ 2d. 1161 (Fed Cir. 1999) is that the reference or combinations of references must teach or suggest all the claim limitations.

Regarding independent claim 19 and its dependent claims (i.e., claims 20-26), amended claim 19 recites: “[a] method for securely communicating data and information between an

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electronic device and a network, the network comprising at least one server that manages communication via the network, the method comprising: storing a first security key; receiving a message containing a second security key; processing the received message; retrieving the second security key from the processed message; and generating a third security key, wherein the electronic device combines the first security key and the second security key to generate the third security key.”

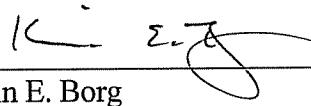
It is respectfully submitted that the referenced art, Walker in view of Veil, fails to disclose the claimed invention of claim 19. More specifically, Walker fails to teach, suggest or disclose, among other things, storing a first key. Instead, Walker discloses sending a public key to the authentication server. Additionally, contrary to Examiner’s statement, the system as described in Walker does not call for a modification that would introduce the need for a third key.

Based on at least the foregoing, Applicants believe that all pending claims are in condition for allowance and respectfully request that the application be allowed and passed to issuance. If the Examiner disagrees or has questions regarding this submission, Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,



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